

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

UNITED STATES OF AMERICA,	)	
<i>Plaintiff,</i>	)	
	)	
vs.	)	2:13-cr-0021-JMS-CMM
	)	
WILLIAM BELL &	)	-01
LENARD DIXON,	)	-02
<i>Defendants.</i>	)	

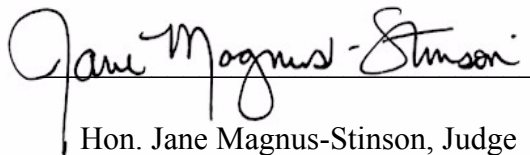
**ORDER**

Presently pending before the Court is the Government’s Supplemental Motion for Courtroom Security Measures concerning Defendant Lenard Dixon. [[Filing No. 62.](#)] The Government asks that Defendant Dixon be shackled during trial with leg irons because of violent tendencies allegedly shown through his criminal history and his conduct while incarcerated. [Filing No. 42 (referencing [Filing No. 62-1](#) and [Filing No. 62-2](#)).]

The Seventh Circuit Court of Appeals has held that “courts must guard against practices which unnecessarily mark the defendant as a dangerous character or suggest that his guilt is a foregone conclusion.” [Lemons v. Skidmore](#), 985 F.2d 354, 357 (7th Cir. 1993). That said, even “under the constitutional right to a fair trial, it is still permissible to require the party to appear in shackles if there is ‘extreme need.’” [Id. at 357-58](#). The Court has wide discretion to determine whether there is an extreme need, and “[t]he preferred procedure is for the trial judge to hold a brief hearing before trial at which the state may try to prove that restraints are necessary.” [Id. at 358](#). The district judge “may not delegate [her] discretion to another party” and, instead, should make the decision herself after considering all of the evidence, including the opinions of court security officers and penal institution staff. [Id.](#)

The Court will hold a brief evidentiary hearing on the Government's Motion for Courtroom Security Measures regarding Defendant Lenard Dixon, [[Filing No. 62](#)], at the final pretrial conference scheduled for **10:30 a.m. on May 28, 2014 in Room 131**, United States Courthouse, 921 Ohio Street, Terre Haute, IN 47807. If Mr. Dixon intends to object to the admissibility or factual representations in the Government's exhibits, [[Filing No. 62-1](#); [Filing No. 62-2](#)], he should file an objection by **10:00 a.m. on May 27, 2014**. As necessary to respond to any objection, or if the Government intends to rely on evidence not included in the exhibits previously submitted, relevant witnesses should be present.

05/22/2014

A handwritten signature in black ink, reading "Jane Magnus-Stinson", written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

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